

FILED

MAR 06 2008

U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

JIMMY D. CATES and MARY E. CATES,
husband and wife,

Debtors.

)
) NO. 07-01180-JAR12
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
)

THIS MATTER having come on regularly for hearing before the Honorable John A. Rossmeissl, United States Bankruptcy Judge for the Eastern District of Washington, by telephone conference on March 6, 2008, Debtors appearing by and through their attorney JAMES P. HURLEY of Hurley & Lara, the Chapter 12 Trustee FORD ELSAESSER appearing in person and by written report, Northwest Farm Credit Services appearing through THOMAS T. BASSETT of Kirkpatrick & Lockhart Preston Gates Ellis LLP, the Internal Revenue Service appearing through Assistant General ROLF TANGVALD, Farm Service Agency appearing through Assistant Attorney General FRANK WILSON, and the Court having considered the testimony of Debtors, the exhibits and evidence in support of the Order Confirming the Chapter 12 Plan and the modifications thereto as represented by counsel for

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
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HURLEY & LARA
Attorneys at Law
411 North 2nd Street
Yakima, WA 98901
(509)248-4282

1 the parties and as set forth in the proposed Order of Confirmation, the Court now makes the
2 following:
3

4 FINDINGS OF FACT

5 1. The Plan complies with the provisions of Chapter 12 and with other applicable
6 provisions of Title 11 U.S. Code;
7

8 2. Any fee, charge or amount required under Chapter 12 of Title 28, U.S. Code, or
9 by the Plan, to be paid before confirmation has been paid;
10

11 3. The Plan has been proposed in good faith and not by any means forbidden by
12 law;
13

14 4. The value, as of the effective date of the Plan, of the property to be distributed
15 under the Plan on account of each allowed unsecured claim is not less than the amount that
16 would be paid on such claim if the estate of the Debtors were liquidated under Chapter 7, Title
17 11, U.S. Code, on such date;
18

19 5. The holder of each allowed secured claim has accepted the Plan subject to
20 certain terms a set forth in the Order of Confirmation.
21

22 The Court having entered its Findings of Fact, now enters the following:
23

24 CONCLUSIONS OF LAW

25 1. The Plan complies with the provisions of Chapter 12 and with other applicable
26 provisions of Title 11, U.S. Code; and
27

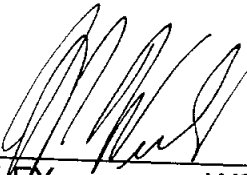
28 2. The court should confirm Debtors' Chapter 12 Plan as modified in the proposed
29

30 FINDINGS OF FACT AND
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Attorneys at Law
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1 Order of Confirmation.
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3

4 Presented by:
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6

7 
8 JAMES P. HURLEY WSBA #6615
9 Attorney for Debtors
411 N 2nd Street, Yakima WA 98901
10

11 Agreed to and Approved for Entry:
12

13 _____
14 FORD ELSAESSER
15 Chapter 12 Trustee
16

17 Agreed to and Approved for Entry:
18

19 _____
20 THOMAS T. BASSETT WSBA #7244
21 of Kirkpatrick & Lockhart Preston Gates Ellis LLP
22 Attorneys for Northwest Farm Credit Service
23

24 Agreed to and Approved for Entry:
25

26 _____
27 ROLF TANGVALD
28 Attorney for the Internal Revenue Service
29


30 FINDINGS OF FACT AND
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Attorneys at Law
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1 Agreed to and Approved for Entry:
2
3

4 FRANK WILSON
5 Attorney for the Farm Service Agency
6
7
8
9

10 Done this 6th day of March 2008
11
12
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14 
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17 Jonathan R. Bennett
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FINDINGS OF FACT AND
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